

**GOVERNMENT OF ANDHRA PRADESH**  
**ABSTRACT**

*Public Services - Shri D.Laxmaiah, former Agriculture Officer (Retd.) (SC),, Narayankhed, Medak District - Disciplinary proceedings initiated for failure of settlement of D.C.Bills -Further action dropped –Representation submitted for regularization of suspension period - Orders issued – Regarding:*

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**AGRICULTURE AND COOPERATION (VIG.I)DEPARTMENT**

G.O.Rt.No: 240

Dated:18/02/2009  
Read the following:

- 1.G.O.Rt.No:797, Agriculture and Cooperation (Vig.I)Dept.  
Dt.25.06.2008
2. Shri D.Laxmaiah, Agriculture Officer (Retd.),Sanga Reddy  
Medak District, Representation Dated: 29.10.2008.

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**ORDER:**

*In a disciplinary case of delay in settlement of AC Bills to the tune of Rs. 1,00,000/-, the Commissioner and Director of Agriculture, Hyderabad had framed charges against Shri D.Laxmaiah, former Agriculture Officer (Retd.), (SC), Narayankhed, Medak District. As the Charged Officer, petitioner herein, had denied the charges a regular inquiry had been conducted into the charge and inquiry authority had held the charge proved. The disciplinary authority i.e. the Commissioner and Director of Agriculture, Hyderabad after following the due procedure had proposed the Government to impose the penalty of dismissal from Service as the charged officer had retired from Government service by that time. Government after examining the case had inflicted the penalty of dismissal from Service against him vide the G.O.Rt.No:443, Agriculture and Cooperation Department, Dated: 4.5.2002. Subsequently, the petitioner had filed O.A No:6280/2002 in Hon'ble APAT wherein the Hon'ble APAT vide its orders dated: 10.4.2003 had set aside the dismissal orders and these orders were also uphold by the Hon'ble High Court, Hyderabad vide its judgment in W.P.No: 23767/2003 dated: 4.2.2004 had upheld the judgment of the Hon'ble Administrative Tribunal, Hyderabad. Meanwhile the petitioner had filed another petition before Government to drop further action and to treat the said gap period as duty. After carefully examining the matter in the light of the observations made in the judgments by the Hon'ble Courts and the representation of the charged officer and the advice of the APPSC., Hyderabad Government had dropped further action against him in the reference 1<sup>st</sup> read above in the disciplinary case .*

2. *Shri D.Laxmaiah, Agriculture Officer (Retd.), Sanga Reddy, Medak District has now filed representation in the reference 2<sup>nd</sup> read above. He has stated therein that in the disciplinary case, he was dismissed from service by the Commissioner & Director of Agriculture, Hyderabad and the dismissal orders were served on him on 21.5.2002, and that the Hon'ble Tribunal had set aside the orders and directing to issue fresh orders in the light of its observations in the said O.A., and that Hon'ble High Court had also upheld the Tribunal Orders since no misappropriation but delay in rectification of AC Bills only, and that consequent to these orders of Courts he had been reinstated into service w.e.f. 28.5.2003, and Government had finally dropped further action against him Vide. G.O.Rt.No; 797, Agriculture and Cooperation (Vig.I)Dept. Dated: 25.6.2008. He has stated further that according to F.R 54-A, the period from 22.5.2002 to 19.6.2003 has to be regularized and pay and allowances in accordance with the provisions of Sub-rule (2) or (3) and FR.54 A (1)&(3). He has, therefore, requested the Government to treat the period from 22.5.2002 to 19.6.2003 as on duty.*

3.. Government. have carefully examined the contentions of the petitioner in the light of the observation of the Hon'ble Courts in his disciplinary case and the rules in force and observed that in the disciplinary case the courts had found delay on the part of the petitioner and thereby not- totally free from guilt ,but compared the nature of the guilt done by him and the penalty of dismissal and thereon had set aside the dismissal order, duly giving the Government liberty to pass appropriate orders against him in the case. Further, Government provisionally decided to impose the penalty of 10% pension cut permanently against him but considering the APPSC advice and Court observations, further action against him was dropped. Hence, it may not be said that the individual was fully exonerated from the charges and the suspension period was wholly unjustified, as his guilt relating to delay in settlement of A.C bills was proved. The suspension period can be said to be wholly unjustified where the disciplinary case of a Government servant was dropped only on the merits of the case. Considering his delay in settlement of A.C bills which had even been observed by Hon'ble Courts, the suspension period of the individual can not be regarded as wholly unjustified. Hence it is considered that his request of treating the suspension period falls under sub-rule 2 (i) & ( ii) of Rule 54-A. , and not under I and 3 of Rule 54 –A as stated by him in the petition.

4. After careful consideration, Government have decided to treat the period of suspension i.e 22.5.2002 to 19.06.2003, as period spent on leave to which he is eligible under Rule (7)54-B of Fundamental Rules.

5. The Commissioner and Director of Agriculture, Hyderabad shall take necessary further action accordingly.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**RACHEL CHATTERJEE  
PRINCIPAL SECRETARY TO GOVERNMENT**

To

Shri D.Laxmaiah, former Agriculture Officer (Retd.) (SC),, Narayankhed, Medak District (through The Commissioner & Director of Agriculture., Hyderabad.)  
The Commissioner & Director of Agriculture., Hyderabad..  
SF/SC.

**//FORWARDED: : BY ORDER//**

**SECTION OFFICER**